

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.98 of 2015

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Kiran Singh Wife of Late Nawal Kishore Kumar Resident of Village -
Sadar Hospital Road, Naugachhia, P.S. - Naugachhia, District - Bhagalpur.
..... Petitioner

Versus

1. The State of Bihar, through the Director In Chief, health Services, Bihar, Patna.
2. Director In Chief, Health Services, Bihar, Patna.
3. The Regional Deputy Director, Health Services, Patna Division, Patna.
4. The Incharge Medical Officer, Primary Health Centre, P.S. - Mokama, District - Patna.
5. The Trasury Officer, Bhagalpur, District - Bhagalpur.
6. The Accountant General, Bihar, Patna.

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. S.Raza Ahmad

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 05-02-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads
as follows:

“That this writ application is being filed for issuance of a writ in the nature of mandamus for direction to respondents to pay the difference arrear of retiral benefit, pension and arrear of the promotion, which has been granted by the order bearing memo no. 592 dated 2.7.2012, by which husband of the petitioner has been granted promotion by 1st ACP w.e.f. 9.8.1999 in the scale of 5500-9000/- and 2nd ACP in the scale of 6500-10500/- but respondent authority have not been granted benefit of the promotion nor arrear of the promotion nor arrear of the pension to the petitioner and further issued direction to respondent grant due arrear of pensions and other benefits

to the petitioner alongwith interest with litigation cost and further give other legal consequential benefits attach to the post.”

Learned counsel for the petitioner submits that despite the fact that the petitioner has been given benefit of first time bound promotion and first and second ACP and based on that the Accountant General has also issued the authority slip on 18.9.2012, the Treasury Officer, Bhagalpur is not making payment of the additional amount.

This Court fails to understand as to under what authority the Treasury Officer can withhold payment if there has been a proper sanction and authorization by the competent authority of the State of Bihar as also by the Accountant General.

In that view of the matter, this Court would direct the Treasury Officer, Bhagalpur to ensure that whatever amount has been authorized by the Accountant General in its letter dated 18.9.2012, if not paid by-now, must be paid to the petitioner within a period of three months from the date of receipt of this order, who is now the widow of the deceased getting the benefit of pension.

It is made clear that if the Treasury Officer finds any difficulty in making payment he must make personal efforts by seeking clarification from the office of the Accountant General but

in no event should keep the matter pending and dispose of the claim of the petitioner within the aforementioned period of three months by making payment of admissible amount and/ or at least passing a reasoned order for not making such payment.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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